

Message Text

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O 192238Z AUG 75
FM SECSTATE WASHDC
TO AMEMBASSY TRIPOLI IMMEDIATE
AMEMBASSY KUALA LUMPUR IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
INFO AMEMBASSY STOCKHOLM IMMEDIATE

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EXDIS

E.O. 11652: GDS

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SUBJECT: JRA TERRORISTS

REF: (A) TRIPOLI 889, 892, 899, 902 AND 904
(B) KUALA LUMPUR 4673; 4697 AND 4865
(C) TOKYO 11312
(D) STATE 189196

1. DEPARTMENT HAS CAREFULLY CONSIDERED HOW USG MIGHT BEST
ENHANCE PROSPECTS OF TRIAL AND PUNISHMENT OF JRA TERRORISTS
DETAINED IN LIBYA, IN LIGHT OF US ANTI-TERRORISM POLICY
OBJECTIVES, LIBYAN, MALAYSIAN AND JAPANESE GOVERNMENT
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ATTITUDES AS REPORTED REFTELS, AND ADDRESSEE EMBASSIES'
ANALYSES AND RECOMMENDATIONS.

2. KEY FACTORS BEARING ON PROBLEM ARE:

(A) EFFORTS OF US AND LIKE-MINDED NATIONS TO BRING INTERNATIONAL TERRORIST MENACE UNDER CONTROL DEPEND HEAVILY ON APPREHENSION, TRIAL AND PUNISHMENT OF TERRORISTS. CONVICTION AND CONFINEMENT OF TERRORISTS FOR LONG TERMS BOTH CONSTITUTE INTERNATIONAL COMMUNITY'S MOST EFFECTIVE DETERRENT TO FURTHER TERRORIST ACTS AND, PARTICULARLY IMPORTANT IN

CASE OF A SMALL BUT VIRULENT GROUP LIKE JRA, SIGNIFICANTLY REDUCE ACTIVE TERRORIST POPULATION. A-775, FEBRUARY 5, 1975, PROVIDES THAT QUOTE US GOVERNMENT SHOULD USE EVERY APPROPRIATE INFLUENCE TO INDUCE GOVERNMENTS TO ADHERE TO THE PRINCIPLE OF ARREST OR EXTRADITION OF TERRORISTS. THE FULL RESOURCES OF THE US GOVERNMENT SHOULD BE USED TO PURSUE SUCH TERRORISTS AND TO SEE THAT THEY ARE BROUGHT TO APPROPRIATE JUSTICE END QUOTE.

(B) ANOTHER KEY ASPECT OF THE EFFORT TO CURTAIL INTERNATIONAL TERRORISM IS THE DENIAL OF SAFE HAVEN AFTER TERRORIST ACTS. IN HIS AUGUST 11, 1975 MONTREAL ADDRESS THE SECRETARY SAID QUOTE THE UNITED STATES IS CONVINCED THAT STRONGER INTERNATIONAL STEPS MUST BE TAKEN -- AND URGENTLY -- TO DENY SKYJACKERS AND TERRORISTS A SAFE HAVEN AND TO ESTABLISH SANCTIONS AGAINST STATES WHICH AID THEM, HARBOR THEM OR FAIL TO PROSECUTE OR EXTRADITE THEM...IF ALL NATIONS DENY TERRORISTS A SAFE HAVEN, TERRORIST PRACTICES WILL BE SUBSTANTIALLY REDUCED...END QUOTE.

(C) LIBYA PICTURES ITSELF AS HAVING RELUCTANTLY ACCEPTED JRA TERRORISTS AS HUMANITARIAN ACT AT STRONG URGING OF GOM AND GOJ. GOM AND GOJ HAVE ACCEPTED THIS INTERPRETATION, PUBLICLY EXPRESSING THEIR THANKS TO LARG.

(D) LEGAL BASIS FOR EFFECTIVE ACTION AGAINST JRA TERRORISTS IS NOT STRONG. THERE APPEARS TO BE NO BASIS IN LIBYAN LAW FOR LARG'S TRYING THEM OR FORCIBLY RETURNING THEM TO JAPAN OR MALAYSIA. GOJ'S POSITION APPEARS TO BE CONFIDENTIAL

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THAT IN ABSENCE OF AN EXTRADITION TREATY THERE IS NO BASIS FOR ITS DEMANDING THAT LARG ARREST AND EXTRADITE THE TEN. GOM'S POSITION SEEMS TO BE ESSENTIALLY THE SAME.

(E) POLITICAL SITUATION APPEARS TO BE THAT WHILE SOME HIGH GOM AND GOJ OFFICIALS STRESS NECESSITY FOR A STRONGER STAND AGAINST INTERNATIONAL TERRORISM (NOTABLY PM MIKI'S REPORTED AUGUST 2 PROPOSAL TO A US CONGRESSIONAL GROUP OF INTERNATIONAL ANTI-TERRORISM CONFERENCE TO CONSIDER INTER ALIA WAYS TO DENY SAFE HAVENS), THERE IS LITTLE DISPOSITION IN GOM OR GOJ TO TAKE UP MATTER OF PUNISHMENT OF TERRORISTS WITH LARG IN MORE THAN THE MOST LIMITED AND TENTATIVE WAY.

(F) PRESENT PROSPECT IS THAT AFTER SOME UNDETERMINED PERIOD LARG WILL FACILITATE TERRORISTS' DEPARTURE WITHOUT TRIAL FROM LIBYA FOR SOME MIDDLE EASTERN OR EUROPEAN COUNTRY.

3. APPRECIATING THE OBSTACLES WE FACE, IT IS NEVERTHELESS CLEAR THAT THE US, IN FURTHERANCE OF ITS LONG-STANDING ANTI-TERRORISM POLICIES AND THE SECRETARY'S MONTREAL CALL FOR STRONGER INTENTIONAL ACTION AGAINST THE TERRORIST MENACE, SHOULD URGE APPROPRIATE ACTION BY GOM, GOJ AND LARG TO BRING THE JRA TERRORISTS TO JUSTICE. EMBASSIES' APPROACHES IN THE THREE CAPITALS SHOULD OBVIOUSLY BE TAILORED TO THE DIFFERING SITUATIONS IN EACH, BUT FOLLOWING POINTS SHOULD, WITH ADJUSTMENTS AT EACH EMBASSY'S DISCRETION, BE PRACTICABLE IN ALL CASES:

(A) USG INTEREST IN EFFECTIVE PUNISHMENT OF JRA GROUP DERIVES FROM OUR LONG EVIDENT CONCERN WITH INTERNATIONAL TERRORISM PROBLEM AND OUR LEADING ROLE IN EFFORTS TO CONTROL IT; FROM FACT THAT IT WAS US EMBASSY THAT WAS TAKEN OVER, DAMAGED AND ROBBED BY THE KUALA LUMPUR TERRORISTS; AND FROM FACT THAT A US CONSUL AND SEVERAL OTHER US CITIZENS WERE AMONG THOSE TAKEN HOSTAGE;

(B) USG APPRECIATES THE HUMANITARIAN PRESSURES GOM, GOJ AND LARG WERE UNDER IN AFFORDING TERRORISTS SAFE HAVEN IN LIBYA. HOWEVER, THOSE PRESSURES SHOULD BE SHARPLY DISCONFIDENTIAL

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TINGUISHED FROM MALAYSIA'S, JAPAN'S, LIBYA'S AND ALL NATIONS' CLEAR INTEREST IN PREVENTING FURTHER SUCH INCIDENTS. TRIAL AND PUNISHMENT OF THE FIVE PERPETRATORS OF THE CRIME IN KUALA LUMPUR, AND RETURN OF OTHER FIVE TO JAPANESE JUSTICE, IS HIGHLY IMPORTANT TO THIS EFFORT. GOM'S AND GOJ'S GRATITUDE TO LARG FOR ITS ROLE IN SAVING HOSTAGES SHOULD BE NO BAR TO THEIR BRINGING TERRORISTS TO JUSTICE FOR THEIR CRIME.

(C) USG APPRECIATES LACK OF EXTRADITION TREATIES AMONG LIBYA, MALAYSIA AND JAPAN AND FACT THAT TERRORISTS HAVE NOT VIOLATED LIBYAN DOMESTIC LAW. NEVERTHELESS HAGUE AND MONTREAL CONVENTIONS FOR PROTECTION OF CIVIL AVIATION AND NEW YORK CONVENTION FOR PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS SHOW BROAD-BASED INTERNATIONAL SUPPORT FOR MAKING THESE TERRORISTS ACTS UNIVERSALLY PUNISHABLE.

(D) USG CONSIDERS IT BOTH ITS RIGHT AND OBLIGATION, IN THE FACE OF THE WORLD TERRORIST THREAT, TO INFORM EACH GOVERNMENT OF ITS EARNEST HOPE THAT BY APPROPRIATE ACTION OF THE LARG, GOM AND GOJ THE TERRORISTS WILL NOT BE

SET FREE TO PREY AGAIN ON INNOCENT PEOPLE BUT RATHER
WILL BE ACCORDED THE PROMPT AND SEVERE JUSTICE THEIR
CRIMES DESERVE.

4. AS EARLIER STATED, APPROACHES SHOULD BE TAILORED BY EMBASSIES TO DIFFERING CIRCUMSTANCES IN EACH CAPITAL. NEVERTHELESS, WHILE EACH EMBASSY SHOULD REFLECT AWARENESS OF HOST GOVERNMENT'S PRACTICAL SITUATION AND PROBLEMS, GOVERNMENT SHOULD NOT BE LEFT WITH IMPRESSION APPROACHES ARE MERELY FOR THE RECORD. USG'S CONVICTION OF THE IMPORTANCE OF SEVERE PUNISHMENT OF THE TEN TERRORISTS TO THE CIVILIZED WORLD'S HOPES OF BRINGING THE INTERNATIONAL TERRORISM THREAT UNDER CONTROL SHOULD BE CLEARLY CONVEYED.

5. ADVISE AS SOON AS APPROACHES MADE, INFO OTHER ADDRESSEES. KISSINGER

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